

AMENDED IN ASSEMBLY FEBRUARY 22, 2010

CALIFORNIA LEGISLATURE—2009—10 EIGHTH EXTRAORDINARY SESSION

SENATE BILL

No. 3

Introduced by Committee on Budget and Fiscal Review

January 20, 2010

~~An act relating to the Budget Act of 2009. An act to amend Section 76104.7 of the Government Code, relating to fines and forfeitures.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 3, as amended, Committee on Budget and Fiscal Review. ~~Budget Act of 2009. Fines and forfeitures: forensic laboratories: Alcohol Beverage Control Fund: inmate education.~~

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

Under existing law, an additional state penalty of \$1 is levied for each \$10 or fraction thereof, upon every fine, penalty, or forfeiture collected by the courts for criminal offenses. Those funds are required to be deposited into the state's DNA Identification Fund to fund the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information.

This bill would increase that penalty to \$3 for each \$10 or fraction thereof, and would require those funds to be used to fund the operations of the Department of Justice forensic laboratories, including the operation of the DNA Fingerprint, Unsolved Crime and Innocence Protection Act, and to facilitate compliance with the requirement that DNA samples be included in the state summary criminal history information.

The Alcoholic Beverage Control Act provides for the issuance and transfer of alcoholic beverage licenses by the Department of Alcoholic Beverage Control. The Alcoholic Beverage Tax Law imposes an excise tax, at specified rates, for the privilege of selling or possessing for sale beer, wine, sparkling wine, sparkling cider, and distilled spirits. Existing law requires all money collected as fee revenue under the Alcoholic Beverage Control Act, and money collected as excise tax revenue under the Alcoholic Beverage Tax Law, be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund for specified purposes.

This bill would transfer a specified amount of federal moneys from certain Department of Alcoholic Beverage Control accounts to the Alcohol Beverage Control Fund.

This bill would also require that, in implementing budget reductions to its inmate and parolee rehabilitation programs, the Department of Corrections and Rehabilitation consider prioritizing the reestablishment of credentialed teacher and vocational instructor positions in lieu of establishing teaching assistant positions where operationally feasible and beneficial to maintain quality educational programs. In order to maximize the number of inmates that can receive quality education programs with the limited dollars the department has available, the department would be required, whenever feasible based on the program curriculum, to consider placing inmates in half-day instead of full-day programs or using other appropriate methods for delivering educational programs while meeting cost reduction goals.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
- 2 ~~changes relating to the Budget Act of 2009.~~

1 *SECTION 1. Section 76104.7 of the Government Code is*
2 *amended to read:*

3 76104.7. (a) Except as otherwise provided in this section, in
4 addition to the penalty levied pursuant to Section 76104.6, there
5 shall be levied an additional state-only penalty of ~~one dollar (\$1)~~
6 *three dollars (\$3)* for every ten dollars (\$10), or part of ten dollars
7 (\$10), in each county upon every fine, penalty, or forfeiture
8 imposed and collected by the courts for all criminal offenses,
9 including all offenses involving a violation of the Vehicle Code
10 or any local ordinance adopted pursuant to the Vehicle Code.

11 (b) This additional penalty shall be collected together with, and
12 in the same manner as, the amounts established by Section 1464
13 of the Penal Code. These moneys shall be taken from fines and
14 forfeitures deposited with the county treasurer prior to any division
15 pursuant to Section 1463 of the Penal Code. These funds shall be
16 deposited into the county treasury DNA Identification Fund. One
17 hundred percent of these funds, including any interest earned
18 thereon, shall be transferred to the state Controller at the same time
19 that moneys are transferred pursuant to paragraph (2) of subdivision
20 (b) of Section 76104.6, for deposit into the state's DNA
21 Identification Fund. These funds ~~may~~ *shall* be used to fund the
22 *operations of the Department of Justice forensic laboratories,*
23 *including the operation of the DNA Fingerprint, Unsolved Crime*
24 *and Innocence Protection Act, and to facilitate compliance with*
25 the requirements of subdivision (e) of Section 299.5 of the Penal
26 Code.

27 (c) This additional penalty does not apply to the following:

28 (1) Any restitution fine.

29 (2) Any penalty authorized by Section 1464 of the Penal Code
30 or this chapter.

31 (3) Any parking offense subject to Article 3 (commencing with
32 Section 40200) of Chapter 1 of Division 17 of the Vehicle Code.

33 (4) The state surcharge authorized by Section 1465.7 of the
34 Penal Code.

35 *SEC. 2. The following amounts are hereby transferred from*
36 *the Department of Alcoholic Beverage Control, Organization Code*
37 *2100, Fund 0890, 1944 Accounts to the Alcohol Beverage Control*
38 *Fund to be expended upon appropriation by the Legislature: (a)*
39 *\$279,009.53 from Federal Catalog 16727011; (b) \$160,099.40*

1 from Federal Catalog 16727021; and (c) \$58,029.28 from Federal
2 Catalog 16727031.

3 *SEC. 3. It is the intent of the Legislature that the Department*
4 *of Corrections and Rehabilitation provide education programs to*
5 *state inmates in a manner that seeks to reduce recidivism utilizing*
6 *qualified professional staff and within budget constraints.*
7 *Notwithstanding Provision 11 of Item 5225-001-0001 of the Budget*
8 *Act of 2009, in implementing budget reductions to its inmate and*
9 *parolee rehabilitation programs, the Department of Corrections*
10 *and Rehabilitation shall consider prioritizing the reestablishment*
11 *of credentialed teacher and vocational instructor positions in lieu*
12 *of establishing teaching assistant positions where operationally*
13 *feasible and beneficial to maintain quality educational programs.*
14 *In order to maximize the number of inmates that can receive quality*
15 *education programs with the limited dollars the department has*
16 *available, the department shall also, whenever feasible based on*
17 *the program curriculum, consider placing inmates in half-day*
18 *instead of full-day programs or use other appropriate methods for*
19 *delivering educational programs while meeting cost reduction*
20 *goals. It is the intent of the Legislature that any changes the*
21 *department makes to implement this provision shall result in no*
22 *net increase in costs.*

23 ~~SEC. 2.~~

24 *SEC. 4. This act addresses the fiscal emergency declared by*
25 *the Governor by proclamation on January 8, 2010, pursuant to*
26 *subdivision (f) of Section 10 of Article IV of the California*
27 *Constitution.*

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